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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,581	03/20/2006	Karl Ruhland	RUHLAND2	2874
1444 7590 02/04/2011 Browdy and Neimark, PLLC 1625 K Street, N.W. Suite 1100 Washington, DC 20006				
EXAMINER DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,581

Applicant(s)

RUHLAND ET AL.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 2, 3, 8, 9, 13 and 17-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4, 5, 7 and 12 is/are allowed.
- 6) ☒ Claim(s) 11, 14-16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on October 24, 2010 has been entered.

Election/Restrictions

2. Claims 17-19 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention; specifically, claim 17 corresponds to non-elected Group III, and claims 18-19 appear to correspond to non-elected Group I. Applicant timely traversed the restriction (election) requirement in the reply filed on September 18, 2008.

Claim Rejections - 35 USC § 112, 2nd paragraph

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 14-16 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16, line 19, "the shell" is vague as to which one.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 11, 14, 16 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over German Publication 22 25 152 (hereafter GP '152) in view of any one or all of Boutelle, 1,539,826, Grace, pn 2,485,280, Crispell, pn 3,876,318, Miller, pn 4,397,484, Thummel et al., pn 5,299,375, Brian, pn 5,997,012 and/or Clark, pn 3,942,210.

It is noted that new independent claim 16 is the substantially the same as the previously-filed version of claim 1 except for the addition of the limitation "radially" in line 1 of subsection d.

Regarding claim 16, GP '152 discloses a device with almost every structural limitation of the claimed invention including:

a blade shaft (e.g., 1) which has at least one circular blade (e.g., 7), a brush roll (e.g., 9), the brush roll possessing shells (e.g., see Fig. 7) disposed on a roll core (e.g.,

2, 10) and having bristles (e.g., 91, 92), torque-transmitting means and fastening means;

[claim 20] wherein said fastening means fixes the shells directly to the roll core (e.g., see Fig. 8).

Regarding claim 11, GP '152 discloses a shell with almost every structural limitation of the claimed invention as described above.

GP '152 lacks:

[from claim 16] wherein the threaded holes are radially provided, and wherein the fastening pin comprises two threaded portions of different pitches; and

[from claim 11] fastening means for fixing the basic structure to the roll core, wherein the fastening means is a fastening pin comprising two threaded portions of different pitches; and

receiving means as through holes comprising two threaded portions of different pitches for associating with the fastening pin;

[claim 14] wherein a first of the threaded portions of the fastening pin fitting inside the threaded hole on the shell, and a second of the threaded portions of the fastening pin fitting inside the threaded hole on the roll core, and the second threaded portion of the fastening pin has a larger pitch than the pitch of the first threaded portion of the fastening pin.

However, the Examiner maintains the taking of Official notice that such fastening means configurations including different pitch and size fasteners as well as radially-

extending receiving holes are old and well known in the art and provide various well known benefits including adjustment benefits. Several examples of such configurations are provided to demonstrate that the claimed fastening means configuration is old and well known in the art as well as across various disciplines. It is noted that the Examiner is confident that many more examples can be found and provided. For example, Grace (e.g., see the paragraph bridging columns 2-3) and Miller each discloses an example of such a fastening means configuration to couple two structures together. Boutelle, Crispell and Brian each discloses an example of such a fastening means configuration to couple two ends of a clamp together. Thummel (e.g., see Fig. 10) provides an example of the use of such fastening means and how widely known it is. Further, Clark disclose just one example of a radially-extending fastener and receiving hole for attaching a brush component to a roll. Therefore, it is respectfully maintained that it would have been obvious to one having ordinary skill in the art to provide such a fastening means configuration such as those taught by the above described teaching references on the device of GP '152 to gain the well known benefits including those described above.

Allowable Subject Matter

7. Claims 1, 4, 5, 7 and 12 are allowable over the prior art of record.
8. Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

It is noted that, regarding applicant's arguments in the first paragraph on page 10 of the subject response, it is respectfully submitted that simply providing a radial orientation of the fastening structure is old and well known in the art and is well within the skill level of one having ordinary skill in the art. Further, regarding the limitation "directly", it is noted that while it is acknowledged that the fastening means is not directly fixed to the roll core, it is respectfully submitted that the shells are clearly "directly" fixed to the roll core.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
January 31, 2011